

App. No. 10/044,294
Amendment Dated: May 19, 2006
Reply to Final Office Action of February 21, 2006

REMARKS/ARGUMENTS

Claims 1, 40-42 and 44-61 are pending. Independent claims 1, 40-42, and 61 have been amended. No new matter has been added (see, for example, page 3, lines 4-6 and page 6, lines 14-17). Applicants believe the claims are allowable as more fully stated herein.

I. Rejection of Claims 1 and 40-42 Under 35 U.S.C. 112

Claims 1, 40-42 and 44-61 stand rejected under 35 USC §112, first paragraph, as failing to comply with enablement requirements. The Office Action asserts that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants note that the rejection under §112 and the rejection under §103 below are mutually contradictory because the disclosure of an assertedly anticipating reference [under §103] must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003). Thus, the Office Action appears to assert that the claimed subject matter is not enabled with respect to the §112 rejection, but yet is enabled with respect to the §103 rejection. Accordingly, applicants request that either or both of these rejections be withdrawn.

Furthermore, user interfaces are inherent features of "watches" and "other mobile devices, such as portable computers, personal digital assistants (PDAs), cellular telephones, and the like" as disclosed in the specification on page 5, lines 15-21 for example. User interfaces for

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these devices are well-known in the art. Additionally, an example user interface is described on page 6, second paragraph, as not being limited to buttons and a rotating bezel. Accordingly, applicants request that the rejection under §112 be withdrawn.

II. Rejection of Claims 1 and 40-42 Under 35 U.S.C. 103(a)

Claims 1 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,548,814 issued to Lorang et al. ("Lorang") in view of U.S. Patent No. 5,903,618 issued to Miyake et al. ("Miyake"). Applicants traverse the rejection because Lorang in view of Miyake fails to teach or fairly suggest a mobile device comprising a transceiver that is configured to receive the broadcast information when the transceiver is in a broadcast mode and convey the broadcast information to the user interface of the mobile device; receive the localcast information when the transceiver is in a localcast mode and convey the localcast information to the user interface of the mobile device; transmit localcast information when the transceiver is in a localcast mode; receive peer information when the transceiver is in a peer-to-peer mode and convey the peer information to the user interface of the mobile device; and transmit peer information when the transceiver is in a peer-to-peer mode.

The combination of elements recited in claim 1 is not taught or otherwise suggested by the cited references. Specifically, applicants can find no teaching or suggestion in the cited references, either singly or in motivated combination, of a transceiver receiving in a broadcast mode, receiving and conveying information in a localcast mode, and receiving and conveying information in a peer-to-peer mode.

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In particular, Lorang teaches separate adapters: Each of the antennas 14 and associated receivers 12 is operable to interface with the paging system, whereas each of the antennas 18 and associated Rx/Tx 16 are operable to interface with a Local Area Network through an RF adapter to the LAN (3:60-44). Thus separate adapters are provided for communicating with separate systems, each adapter being provided with a separate antenna for each system.

Furthermore, Miyake fails to overcome the deficiencies of Lorang because Miyake discloses pagers that work with a single system: for example, it is assumed that the peer-to-peer communication is performed by the SSFH system as in the up link of the two-way pager communication and that the communication system is used for the peer-to-peer communication system as well as the two-way pager system (up link) (5:5-61). Accordingly, the paging units of Miyake communicate with units in a single system that operate in a single transmission format. Accordingly, applicants assert that neither Lorang nor Miyake teach or otherwise suggest the combination of elements recited in claim 1, and therefore, claim 1 should be found allowable.

Regarding claim 40, Lorang in view of Miyake fails to teach or fairly suggest a mobile device comprising a transceiver that is configured to receive the broadcast information when the transceiver is in a broadcast mode and convey the broadcast information to a user interface of the mobile device; to receive the localcast information when the transceiver is in a localcast mode and convey the localcast information to a user interface of the mobile device; and transmit localcast information when the transceiver is in a localcast mode. As discussed above, Lorang teaches separate transceivers, whereas Miyake teaches peer-to-peer transmission in a single transmission format. Thus, Lorang and Miyake, either singly or in motivated combination, fail to anticipate the claimed transceiver.

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Regarding claim 41, Lorang in view of Miyake fails to teach or fairly suggest a mobile device that is configured to receive broadcast information from a broadcast transmitter when the transceiver is in a broadcast mode and to convey the broadcast information to a user interface of the mobile device, wherein the broadcast information is received over a subcarrier channel distributed to a wide area according to a first format; to receive localcast information from a localcast transmitter when the transceiver is in a localcast mode and to convey the localcast information to a user interface of the mobile device, wherein the localcast information is received over a locally-unused FM frequency over a local area according to a second format that is different from the first format; and to transmit localcast information when the transceiver is in a localcast mode. As discussed above, Lorang teaches separate transceivers, whereas Miyake teaches peer-to-peer transmission in a single transmission format. Thus, Lorang and Miyake, either singly or in motivated combination, fail to anticipate the claimed transceiver.

Regarding claim 42, Lorang in view of Miyake fails to teach or fairly suggest a mobile device that is configured to receive broadcast information from a broadcast transmitter when the transceiver is in a broadcast mode and convey the broadcast information to a user interface of the mobile device, wherein the broadcast information is received over a subcarrier channel distributed to a wide area according to a first format; to receive localcast information from a localcast transmitter when the transceiver is in a localcast mode and to convey the localcast information to a user interface of the mobile device, wherein the localcast information is received over a locally-unused FM frequency over a local area according to a second format; to receive peer information from a peer-to-peer transmitter when the transceiver is in a peer-to-peer mode and to convey the peer information to a user interface of the mobile device, wherein the

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peer information is received from a peer device over a local area according to a third format that is different from the first and second formats; to transmit localcast information when the transceiver is in a localcast mode; and to transmit peer information when the transceiver is in a peer-to-peer mode, wherein the peer information is transmitted in accordance with the third format. As discussed above, Lorang teaches separate transceivers, whereas Miyake teaches peer-to-peer transmission in a single transmission format. Thus, Lorang and Miyake, either singly or in motivated combination, fail to anticipate the claimed transceiver. Accordingly, applicants believe that claims 1 and 40-42 are allowable over the cited references.

III. Rejection of Claims 44-61 Under 35 U.S.C. 103(a)

Claims 44-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorang in view of Miyake and further in view of U.S. Patent No 5,442,646 issued to Chadwick et al. ("Chadwick"). Applicants respectfully disagree with the rejection. There is no suggestion in any of the references (singly or in combination) for the claimed transceiver as discussed above with respect to claim 1. Because the rejection of claims 44-61 under the 35 U.S.C. 103(a) rejection depends from the 35 U.S.C. 103(a) rejection for claims 1 and 40-42 above, applicants believe that the 35 U.S.C. 103(a) rejection of claims 44-60 should be withdrawn for at least the same reasons set forth above.

With regard to independent claim 61, Lorang in view of Miyake and Chadwick fails to teach or fairly suggest a mobile device that is configured to receive broadcast information from a broadcast transmitter when the transceiver is in a broadcast mode and convey the broadcast information to a user interface of the mobile device, wherein the broadcast information is

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received over a subcarrier channel distributed to a wide area according to a first format; to receive localcast information from a localcast transmitter when the transceiver is in a localcast mode and convey the localcast information to a user interface of the mobile device, wherein the localcast information is received over a local area; to receive peer information from a peer-to-peer transmitter when the transceiver is in a peer-to-peer mode and convey the peer information to a user interface of the mobile device, wherein the peer information is received from a peer device over a local area; to transmit localcast information when the transceiver is in a localcast mode; and to transmit peer information when the transceiver is in a peer-to-peer mode.

With regard to independent claim 61, claim 61 includes similar limitations (albeit different in important ways) to claims 1 and 40-42. Applicants submit that claim 61 is allowable for at least the reasons stated for claims 1 and 40-42 as stated above. Moreover, Chadwick does not remedy the lack of teachings in Lorang and Miyake. Chadwick merely pertains to a subcarrier communication system. Accordingly, applicants believe that independent claim 61 is allowable over the cited references.

IV. Request For Reconsideration

In view of the foregoing, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

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Respectfully submitted,

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